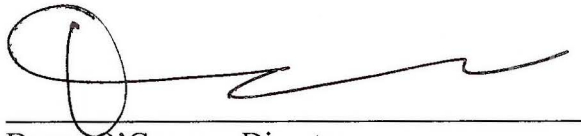


CLEAN WATER ACT2-44. Decisions on Eligibility for Secondary Treatment Variances

1. **AUTHORITY.** To prepare and issue accompanying Section 301(h) modified National Pollutant Discharge Elimination System permits and/or notices of intent to deny permits.
2. **TO WHOM DELEGATED.** Chief, Clean Water Branch.
3. **LIMITATIONS.**
 - a. All regional 301(h) decisions are subject to concurrence by the regional counsel or designee.
 - b. This delegation of authority shall be effective upon the regional administrator's submission of a letter addressed to the assistant administrator for the Office of Water stating that the regional office has the capability to implement a delegated 301(h) program.
 - c. The authority delegated does not include decisions in evidentiary hearings required to be made by an administrative law judge pursuant to the procedures in 40 C.F.R. Part 22, or in appeals subsequent to formal administrative hearings pursuant to the procedures of 40 C.F.R. Part 124.
4. **REDELEGATION AUTHORITY.**
 - a. The authority to prepare Section 301(h) modified NPDES permits and/or notices of intent to deny such permits may be redelegated to the section chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. 40 C.F.R. Part 22, 40 C.F.R. Part 124; 40 C.F.R. Part 125, Subpart G (59 FR 40,658, Aug. 9, 1994).

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- b. Pre-issuance preparation of NPDES permits, generally, is covered by Delegation 2-B, EPA Administered National Pollutant Discharge Elimination System Permits. Procedural requirements leading up to issuance of NPDES permits is covered by Delegation 2-D, Procedures for Decision making Applicable to EPA Administered National Pollutant Discharge Elimination System Permits. Signature and issuance of NPDES permits, generally, is covered by Delegation 2-20, National Pollutant Discharge Elimination System.



Darcy O'Connor, Director
Water Division

JAN 27 2020
Date